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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,132	11/20/2003	Reidar Wasenius	KOLS.072PA	9090

7590 09/12/2007
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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,132	Applicant(s) WASENIUS, REIDAR	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/21/2005 was filed after the filing date of the instant application on 11/20/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14 and 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Waki et al. (U.S. Patent No. 7,194,758).

Referring to claim 1, Waki discloses storing user specific parameters regarding at least one television program in a network element (see **Figure 17 and Column 19, Lines 54-56 for receiving second transmission data from operating device/cellular phone 203 and storing the second transmission data in host station 206**), said user specific parameters including information identifying a mobile station of said user

(see Column 19, Lines 35-39 for attaching the phone number of the cellular phone 203 to the user specific parameters (the TV program viewed data)).

Waki also discloses transmitting at least one control message from said network element via a cellular radio system to said mobile station (see Column 34, Lines 2-14 for transmitting the descrambling key to the operating device/cellular phone) when said at least one television program is being broadcasted (see Column 34, Lines 9-11 and Lines 15-24).

Waki also discloses transmitting control signals generated from information included in said at least one control message from said mobile station to said TV apparatus in order to control said TV apparatus to customize said broadcasted television program according to the user specific parameters (see again Column 34, Lines 2-24 for the descrambling key or message indicating that a program has started being transmitted from the operating device to the receiving device (set top box)).

Referring to claim 2, Waki discloses that said network element (host station in Figure 5) is configured to transmit control messages to said mobile station when predetermined events occur in said broadcasted television program (see again Column 34, Lines 2-24 for the operating device receiving the control messages when the start of a program has occurred or a program has been ordered).

Referring to claim 3, Waki discloses that said TV apparatus is controlled to display predetermined text TV pages, as such or overlaid (**see Column 27, Lines 4-7**).

Referring to claim 4, Waki discloses transmitting additional information relating to the program (**see Column 10, Lines 48-54 for the system also transmitting EPG data**).

Referring to claim 5, see the rejection of claim 1 and further note the system of Figure 1, which contains a TV apparatus (**receiving device 202**), mobile station (**operating device 204**) and network element (**host station 206**).

Referring to claim 6, see the rejection of claims 2-3.

Referring to claim 7, see the rejection of claim 1 and further note that network element (**host station 206 in Figure 1**), further contains an interface to a cellular radio system for communicating with mobile stations of said system (**see communications unit 508 in Figure 5**), a memory for storing user specific parameters including information identifying a mobile station of said user (**see memory 502 in Figure 5 and Column 28, Lines 4-9**) and a processing unit for performing the functions described in claim 1 (**see CPU 501 in Figure 5**).

Referring to claim 8, Waki discloses that said network element further comprises an interface to a television broadcasting system (**see send/receive control card 509 in Figure 5 and Column 14, Line 56 through Column 15, Line 9**) for receiving signals indicating the moments when predetermined events occur in the broadcasted television program (**see Column 14, Lines 14-19 for the group of program data stored in storage units 516, received by card 509, contains information to specify each program and condition information showing conditions to watch the program**).

Referring to claim 9, see the rejection of claims 4 and 7-8. Also further note the prize and quiz (first and second) embodiments in the specification of Waki.

Referring to claim 10, see the rejection of claim 4.

Referring to claim 11, Waki discloses storing program information in memory (**see Column 14, Lines 14-19**).

Waki also discloses that said processing unit is configured to retrieve program information from said memory and to transmit said retrieved program information via said cellular radio system to a mobile station as a response to a request for program information received from said mobile station (**see Column 34, Lines 15-24**).

Referring to claim 12, Waki discloses that the processing unit is configured to receive, via said cellular radio system, from a mobile station, information including user

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specific parameters for a television program, and to store the received user specific parameters including information identifying the mobile station in memory (**see the rejection of claim 1**).

Referring to claim 14 and 16, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waki et al. (U.S. Patent No. 7,194,758).

Referring to claims 13 and 15, Waki discloses all of the limitations in claims 7 and 14, respectively, but fails to teach that said network element further comprises a memory containing a list of different TV apparatus models and for each TV apparatus model information defining the control signals for controlling the respective TV apparatus model and said processing unit is configured to retrieve the information defining the control signals from said memory for controlling a specific TV apparatus model and to transmit this information via the cellular phone system to a mobile station, as a response to a request from said mobile station.

The examiner takes Official Notice that a network element further comprises a memory containing a list of different TV apparatus models and for each TV apparatus model information defining the control signals for controlling the respective TV apparatus model and said processing unit is configured to retrieve the information defining the control signals from said memory for controlling a specific TV apparatus model and to transmit this information via the cellular phone system to a mobile station, as a response to a request from said mobile station.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Waki to include a list of receiver model numbers in order to send data in the proper format in order for the receiver model to properly interpret the information transmitted from a host station.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

September 5, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', written over the printed name and title.